

In the House of Representatives, U. S.,

December 6, 2006.

Resolved, That the bill from the Senate (S. 2125) entitled “An Act to promote relief, security, and democracy in the Democratic Republic of the Congo”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Democratic Republic*
3 *of the Congo Relief, Security, and Democracy Promotion*
4 *Act of 2006”.*

5 ***TITLE I—BILATERAL ACTION ON***
6 ***ADDRESSING URGENT NEEDS***
7 ***IN THE DEMOCRATIC REPUB-***
8 ***LIC OF THE CONGO***

9 ***SEC. 101. FINDINGS.***

10 *Congress makes the following findings:*

11 *(1) The National Security Strategy of the United*
12 *States, dated September 17, 2002, concludes that*
13 *“[i]n Africa, promise and opportunity sit side-by-side*
14 *with disease, war, and desperate poverty. This threat-*

1 *ens both a core value of the United States preserving*
 2 *human dignity and our strategic priority combating*
 3 *global terror. American interests and American prin-*
 4 *ciples, therefore, lead in the same direction: we will*
 5 *work with others for an African continent that lives*
 6 *in liberty, peace, and growing prosperity.”.*

7 (2) *On February 16, 2005, the Director of the*
 8 *Central Intelligence Agency testified, “In Africa,*
 9 *chronic instability will continue to hamper*
 10 *counterterrorism efforts and pose heavy humanitarian*
 11 *and peacekeeping burdens.”.*

12 (3) *According to the United States Agency for*
 13 *International Development, “Given its size, popu-*
 14 *lation, and resources, the Congo is an important*
 15 *player in Africa and of long-term interest to the*
 16 *United States.”.*

17 (4) *The Democratic Republic of the Congo is*
 18 *2,345,410 square miles (approximately $\frac{1}{4}$ the size of*
 19 *the United States), lies at the heart of Africa, and*
 20 *touches every major region of sub-Saharan Africa.*
 21 *Therefore, a secure, peaceful, and prosperous Demo-*
 22 *cratic Republic of the Congo would have a profound*
 23 *impact on progress throughout Africa.*

24 (5) *The most recent war in the Democratic Re-*
 25 *public of the Congo, which erupted in 1998, spawned*

1 *some of the world's worst human rights atrocities and*
2 *drew in six neighboring countries.*

3 (6) *Despite the conclusion of a peace agreement*
4 *and subsequent withdrawal of foreign forces in 2003,*
5 *both the real and perceived presence of armed groups*
6 *hostile to the Governments of Uganda, Rwanda, and*
7 *Burundi continue to serve as a major source of re-*
8 *gional instability and an apparent pretext for contin-*
9 *ued interference in the Democratic Republic of the*
10 *Congo by its neighbors.*

11 (7) *A mortality study completed in December*
12 *2004 by the International Rescue Committee found*
13 *that 31,000 people were dying monthly and 3,800,000*
14 *people had died in the previous six years because of*
15 *the conflict in the Democratic Republic of the Congo*
16 *and resulting disintegration of the social service in-*
17 *frastructure, making this one of the deadliest conflicts*
18 *since World War II.*

19 (8) *In 2004, Amnesty International estimated*
20 *that at least 40,000 women and girls were systemati-*
21 *cally raped and tortured in the Democratic Republic*
22 *of the Congo since 1998, and nearly two-thirds of on-*
23 *going abuses against women and girls are perpetrated*
24 *by members of the security forces, particularly the*
25 *Forces Armes de la Republique Democratique du*

1 Congo (FARDC) and the Police Nationale Congolaise
2 (PNC).

3 (9) According to the Department of State, “re-
4 turning one of Africa’s largest countries [the Demo-
5 cratic Republic of the Congo] to full peace and sta-
6 bility will require significant United States invest-
7 ments in support of national elections, the reintegra-
8 tion of former combatants, the return and reintegra-
9 tion of refugees and [internally displaced persons], es-
10 tablishment of central government control over vast
11 territories, and promotion of national reconciliation
12 and good governance”.

13 **SEC. 102. STATEMENT OF POLICY.**

14 *It is the policy of the United States—*

15 (1) *to help promote, reinvigorate, and support*
16 *the political process in the Democratic Republic of the*
17 *Congo in order to press all parties in the Transi-*
18 *tional National Government and the succeeding gov-*
19 *ernment to implement fully and to institutionalize*
20 *mechanisms, including national and international*
21 *election observers, fair and transparent voter registra-*
22 *tion procedures, and a significant civic awareness*
23 *and public education campaign created for the July*
24 *30, 2006, elections and future elections in the Demo-*

1 *cratic Republic of the Congo, to ensure that elections*
2 *are carried out in a fair and democratic manner;*

3 (2) *to urge the Government of the Democratic*
4 *Republic of the Congo to recognize and act upon its*
5 *responsibilities to immediately bring discipline to its*
6 *security forces, hold those individuals responsible for*
7 *atrocities and other human rights violations, particu-*
8 *larly the rape of women and girls as an act of war,*
9 *accountable and bring such individuals to justice;*

10 (3) *to help ensure that, once a stable national*
11 *government is established in the Democratic Republic*
12 *of the Congo, it is committed to multiparty democ-*
13 *racy, open and transparent governance, respect for*
14 *human rights and religious freedom, ending the vio-*
15 *lence throughout the country, promoting peace and*
16 *stability with its neighbors, rehabilitating the na-*
17 *tional judicial system and enhancing the rule of law,*
18 *combating corruption, instituting economic reforms to*
19 *promote development, and creating an environment to*
20 *promote private investment;*

21 (4) *to assist the Government of the Democratic*
22 *Republic of the Congo as it seeks to meet the basic*
23 *needs of its citizens, including security, safety, and*
24 *access to health care, education, food, shelter, and*
25 *clean drinking water;*

1 (5) to support security sector reform by assisting
2 the Government of the Democratic Republic of the
3 Congo to establish a viable and professional national
4 army and police force that respects human rights and
5 the rule of law, is under effective civilian control, and
6 possesses a viable presence throughout the entire coun-
7 try, provided the Democratic Republic of the Congo
8 meets all requirements for United States military as-
9 sistance under existing law;

10 (6) to help expedite planning and implementa-
11 tion of programs associated with the disarmament,
12 demobilization, repatriation, reintegration, and reha-
13 bilitation process in the Democratic Republic of the
14 Congo;

15 (7) to support efforts of the Government of the
16 Democratic Republic of the Congo, the United Nations
17 Peacekeeping Mission in the Democratic Republic of
18 the Congo (MONUC), and other entities, as appro-
19 priate, to disarm, demobilize, and repatriate the
20 Democratic Forces for the Liberation of Rwanda and
21 other illegally armed groups;

22 (8) to make all efforts to ensure that the Govern-
23 ment of the Democratic Republic of the Congo—

1 (A) is committed to responsible and trans-
 2 parent management of natural resources across
 3 the country; and

4 (B) takes active measures—

5 (i) to promote economic development;

6 (ii) to hold accountable individuals
 7 who illegally exploit the country's natural
 8 resources; and

9 (iii) to implement the Extractive In-
 10 dustries Transparency Initiative by enact-
 11 ing laws requiring disclosure and inde-
 12 pendent auditing of company payments and
 13 government receipts for natural resource ex-
 14 traction;

15 (9) to promote a viable civil society and to en-
 16 hance nongovernmental organizations and institu-
 17 tions, including religious organizations, the media,
 18 political parties, trade unions, and trade and busi-
 19 ness associations, that can act as a stabilizing force
 20 and effective check on the government;

21 (10) to help rebuild and enhance infrastructure,
 22 communications, and other mechanisms that will in-
 23 crease the ability of the central government to manage
 24 internal affairs, encourage economic development, and
 25 facilitate relief efforts of humanitarian organizations;

1 (11) to help halt the high prevalence of sexual
2 abuse and violence perpetrated against women and
3 children in the Democratic Republic of the Congo and
4 mitigate the detrimental effects from acts of this type
5 of violence by undertaking a number of health, edu-
6 cation, and psycho-social support programs;

7 (12) to work aggressively on a bilateral basis to
8 urge governments of countries contributing troops to
9 the United Nations Peacekeeping Mission in the
10 Democratic Republic of the Congo (MONUC) to enact
11 and enforce laws on trafficking in persons and sexual
12 abuse that meet international standards, promote
13 codes of conduct for troops serving as part of United
14 Nations peacekeeping missions, and immediately in-
15 vestigate and punish citizens who are responsible for
16 abuses in the Democratic Republic of the Congo;

17 (13) to assist the Government of the Democratic
18 Republic of the Congo as undertakes steps to—

19 (A) protect internally displaced persons and
20 refugees in the Democratic Republic of the Congo
21 and border regions from all forms of violence, in-
22 cluding gender-based violence and other human
23 rights abuses;

24 (B) address other basic needs of vulnerable
25 populations with the goal of allowing these con-

1 *flict-affected individuals to ultimately return to*
 2 *their homes; and*

3 *(C) assess the magnitude of the problem of*
 4 *orphans from conflict and HIV/AIDS in the*
 5 *Democratic Republic of the Congo, and work to*
 6 *establish a program of national support;*

7 *(14) to engage with governments working to pro-*
 8 *mote peace and security throughout the Democratic*
 9 *Republic of the Congo and hold accountable individ-*
 10 *uals, entities, and countries working to destabilize the*
 11 *country; and*

12 *(15) to promote appropriate use of the forests of*
 13 *the Democratic Republic of the Congo in a manner*
 14 *that benefits the rural population in that country*
 15 *that depends on the forests for their livelihoods and*
 16 *protects national and environmental interests.*

17 **SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC RE-**
 18 **PUBLIC OF THE CONGO.**

19 *(a) FUNDING FOR FISCAL YEARS 2006 AND 2007.—*
 20 *Of the amounts made available to carry out the Foreign*
 21 *Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Agricul-*
 22 *tural Trade Development and Assistance Act of 1954 (68*
 23 *Stat. 454, chapter 469), and the Arms Export Control Act*
 24 *(22 U.S.C. 2751 et seq.) for fiscal year 2006 and 2007, at*
 25 *least \$52,000,000 for each such fiscal year should be allo-*

1 cated for bilateral assistance programs in the Democratic
2 Republic of the Congo.

3 (b) *FUTURE YEAR FUNDING.*—*It is the sense of Con-*
4 *gress that the Department of State should submit budget*
5 *requests in fiscal years 2008 and 2009 that contain in-*
6 *creases in bilateral assistance for the Democratic Republic*
7 *of the Congo that are appropriate if progress is being made,*
8 *particularly cooperation by the Government of the Demo-*
9 *cratic Republic of the Congo, toward accomplishing the pol-*
10 *icy objectives described in section 102.*

11 (c) *COORDINATION WITH OTHER DONOR NATIONS.*—
12 *The United States should work with other donor nations,*
13 *on a bilateral and multilateral basis, to increase inter-*
14 *national contributions to the Democratic Republic of the*
15 *Congo and accomplish the policy objectives described in sec-*
16 *tion 102.*

17 **SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT OF THE**
18 **DEMOCRATIC REPUBLIC OF THE CONGO.**

19 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
20 *that—*

21 (1) *the Government of the Democratic Republic*
22 *of the Congo must be committed to achieving the pol-*
23 *icy objectives described in section 102 if the efforts of*
24 *the United States and other members of the inter-*

1 *national community are to be effective in bringing re-*
2 *lief, security, and democracy to the country;*

3 *(2) the Government of the Democratic Republic*
4 *of the Congo should immediately exercise control over*
5 *and discipline its armed forces, stop the mass rapes*
6 *at the hands of its armed forces, and hold those re-*
7 *sponsible for these acts accountable before an appro-*
8 *priate tribunal;*

9 *(3) the Government of the Democratic Republic*
10 *of the Congo, in collaboration with international aid*
11 *agencies, should establish expert teams to assess the*
12 *needs of the victims of rape and provide health, coun-*
13 *seling, and social support services that such victims*
14 *need; and*

15 *(4) the international community, through the*
16 *United Nations peacekeeping mission, humanitarian*
17 *and development relief, and other forms of assistance,*
18 *is providing a substantial amount of funding that is*
19 *giving the Government of the Democratic Republic of*
20 *the Congo an opportunity to make progress towards*
21 *accomplishing the policy objectives described in sec-*
22 *tion 102, but this assistance cannot continue in per-*
23 *petuity.*

24 *(b) TERMINATION OF ASSISTANCE.—It is the sense of*
25 *Congress that the Secretary of State should withhold assist-*

1 *ance otherwise available under this Act if the Secretary de-*
 2 *termines that the Government of the Democratic Republic*
 3 *of the Congo is not making sufficient progress towards ac-*
 4 *complishing the policy objectives described in section 102.*

5 **SEC. 105. WITHHOLDING OF ASSISTANCE.**

6 *The Secretary of State is authorized to withhold assist-*
 7 *ance made available under the Foreign Assistance Act of*
 8 *1961 (22 U.S.C. 2151 et seq.), other than humanitarian,*
 9 *peacekeeping, and counterterrorism assistance, for a foreign*
 10 *country if the Secretary determines that the government of*
 11 *the foreign country is taking actions to destabilize the*
 12 *Democratic Republic of the Congo.*

13 **SEC. 106. REPORT ON PROGRESS TOWARD ACCOMPLISHING**
 14 **POLICY OBJECTIVES.**

15 *(a) REPORT REQUIRED.—Not later than one year*
 16 *after the date of the enactment of this Act, the Comptroller*
 17 *General of the United States shall submit to Congress a re-*
 18 *port on the progress made toward accomplishing the policy*
 19 *objectives described in section 102.*

20 *(b) CONTENTS.—The report required under subsection*
 21 *(a) shall include—*

22 *(1) a description of any major impediments that*
 23 *prevent the accomplishment of the policy objectives de-*
 24 *scribed in section 102, including any destabilizing ac-*

1 *tivities undertaken in the Democratic Republic of*
 2 *Congo by governments of neighboring countries;*

3 *(2) an evaluation of United States policies and*
 4 *foreign assistance programs designed to accomplish*
 5 *such policy objectives; and*

6 *(3) recommendations for—*

7 *(A) improving the policies and programs*
 8 *referred to in paragraph (2); and*

9 *(B) any additional bilateral or multilateral*
 10 *actions necessary to promote peace and pros-*
 11 *perity in the Democratic Republic of the Congo.*

12 **SEC. 107. SPECIAL ENVOY FOR THE GREAT LAKES REGION.**

13 *Not later than 60 days after the date of the enactment*
 14 *of this Act, the President should appoint a Special Envoy*
 15 *for the Great Lakes Region to help coordinate efforts to re-*
 16 *solve the instability and insecurity in Eastern Congo.*

17 **TITLE II—MULTILATERAL AC-**
 18 **TIONS TO ADDRESS URGENT**
 19 **NEEDS IN THE DEMOCRATIC**
 20 **REPUBLIC OF THE CONGO**

21 **SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD**
 22 **THE DEMOCRATIC REPUBLIC OF THE CONGO**
 23 **IN THE UNITED NATIONS SECURITY COUNCIL.**

24 *The United States should use its voice and vote in the*
 25 *United Nations Security Council—*

1 (1) to address exploitation at the United Nations
2 Peacekeeping Mission in the Democratic Republic of
3 the Congo (MONUC) by continuing to urge, when
4 credible allegations exist, appropriate investigation of
5 alleged perpetrators and, as necessary, prosecution of
6 United Nations personnel responsible for sexual
7 abuses in the Democratic Republic of the Congo;

8 (2) to conclude at the earliest possible date a
9 Memorandum of Understanding relating to binding
10 codes of conduct and programs for the prevention of
11 sexual abuse and trafficking in persons to be under-
12 taken by the United Nations for all countries that
13 contribute troops to MONUC, to include the assump-
14 tion of personal liability for the provision of victims
15 assistance and child support, as appropriate, by those
16 who violate the codes of conduct;

17 (3) to strengthen the authority and capacity of
18 MONUC by—

19 (A) providing specific authority and obliga-
20 tion to prevent and effectively counter imminent
21 threats;

22 (B) clarifying and strengthening MONUC's
23 rules of engagement to enhance the protection of
24 vulnerable civilian populations;

1 (C) enhancing the surveillance and intel-
2 ligence-gathering capabilities available to
3 MONUC;

4 (D) where consistent with United States
5 policy, making available personnel, communica-
6 tions, and military assets that improve the effec-
7 tiveness of robust peacekeeping, mobility, and
8 command and control capabilities of MONUC;
9 and

10 (E) providing MONUC with the authority
11 and resources needed to effectively monitor arms
12 trafficking and natural resource exploitation at
13 key border posts and airfields in the eastern part
14 of the Democratic Republic of the Congo;

15 (4) to encourage regular visits of the United Na-
16 tions Security Council to monitor the situation in the
17 Democratic Republic of the Congo;

18 (5) to ensure that the practice of recruiting and
19 arming children in the Democratic Republic of the
20 Congo is immediately halted pursuant to Security
21 Council Resolutions 1460 (2003) and 1539 (2004);

22 (6) to strengthen the arms embargo imposed pur-
23 suant to Security Council Resolution 1493 (2003)
24 and ensure that violators are held accountable

1 *through appropriate measures, including the possible*
2 *imposition of sanctions;*

3 *(7) to allow for the more effective protection and*
4 *monitoring of natural resources in the Democratic*
5 *Republic of the Congo, especially in the eastern part*
6 *of the country, and for public disclosure and inde-*
7 *pendent auditing of natural resource revenues to help*
8 *ensure transparent and accountable management of*
9 *these revenues;*

10 *(8) to press countries in the Congo region to help*
11 *facilitate an end to the violence in the Democratic Re-*
12 *public of the Congo and promote relief, security, and*
13 *democracy throughout the region; and*

14 *(9) to encourage the United Nations Secretary-*
15 *General to become more involved in completing the*
16 *policy objectives described in paragraphs (1) and (2)*
17 *of section 102 and ensure that recent fighting in*
18 *North Kivu, which displaced over 150,000 people, as*
19 *well as fighting in Ituri and other areas, does not cre-*
20 *ate widespread instability throughout the country.*

1 **SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HU-**
2 **MANITARIAN AND DEVELOPMENT ASSIST-**
3 **ANCE THROUGH INTERNATIONAL ORGANIZA-**
4 **TIONS.**

5 (a) *IN GENERAL.*—*The President should instruct the*
6 *United States permanent representative or executive direc-*
7 *tor, as the case may be, to the United Nations voluntary*
8 *agencies, including the World Food Program, the United*
9 *Nations Development Program, and the United Nations*
10 *High Commissioner for Refugees, and other appropriate*
11 *international organizations to use the voice and vote of the*
12 *United States to support additional humanitarian and de-*
13 *velopment assistance for the Democratic Republic of the*
14 *Congo in order to accomplish the policy objectives described*
15 *in section 102.*

16 (b) *SUPPORT CONTINGENT ON PROGRESS.*—*If the Sec-*
17 *retary of State determines that the Government of the*
18 *Democratic Republic of the Congo is not making sufficient*
19 *progress towards accomplishing the policy objectives de-*
20 *scribed in section 102, the President shall consider with-*
21 *drawing United States support for the assistance described*

- 1 *in subsection (a) when future funding decisions are consid-*
- 2 *ered.*

Attest:

Clerk.

109TH CONGRESS
2D SESSION

S. 2125

AMENDMENT